

Thomas Leahy
February 23, 2018

28

1 Q. When Mr. Zayas was handcuffed and taken
2 down, did he say anything to anyone?

3 A. No, not that I know of.

4 Q. Did you ask him anything?

5 A. I did not ask him.

6 Q. Did you hear any other officers ask him
7 anything?

8 A. No.

9 Q. At that point, were things being keyed
10 into dispatch about obtaining and securing Mr. Zayas
11 and Mr. Rivera?

12 A. Once we took him to the ground, the
13 firearm was loose. I was able to retrieve it, and I
14 notified dispatch of that.

15 Q. Okay. That you had secured two suspects
16 at that point and that you had also obtained the
17 weapon in question, correct?

18 A. Obtained a weapon, correct.

19 Q. Okay. And, so, which car did Mr. Zayas
20 go into, did he take to be taken to the Police
21 Department?

22 A. I'm not sure.

23 Q. It wasn't your car?

24 A. It was not.

Thomas Leahy
February 23, 2018

45

1 there?

2 A. He was hiding behind the wall.

3 Q. And at this point, how many -- how much
4 time had elapsed from the time that Mr. Zayas was
5 taken down and you spotted Mr. Felix Torres?

6 A. Almost instantaneously.

7 Q. Almost instantaneously. So, almost
8 instantaneously, Mr. Felix Torres was almost a
9 football field away from where Mr. Zayas was, correct?

10 A. Correct.

11 MR. EMMA: Objection.

12 Q. (By Ms. Liddy) I'll take that one back.
13 By the way, have you spoken to Mr. Jabet Lopez about
14 anything that has to do with this case since that
15 night?

16 A. We've discussed the case, yes.

17 Q. How many times?

18 A. I do not know.

19 Q. Well, was it more than once?

20 A. Probably once or twice, probably right
21 after the case, how intense and how scary it was for
22 us.

23 Q. And how many -- when was the most recent
24 time you spoke to Mr. Jabet Lopez about this case?

Thomas Leahy
February 23, 2018

46

1 A. Couple months ago, probably when the
2 lawsuit came out.

3 Q. Was he in that room with you yesterday?

4 A. He was not.

5 MS. LIDDY: I'd like to mark this as
6 an exhibit, please.

7 (Exhibit 10, marked)

8 Q. (By Ms. Liddy) Do you see what's been
9 marked as Exhibit 10 before you?

10 A. I do.

11 Q. What does that depict, if you know?

12 A. That's going to be Leverett's Garage and
13 then this is the brick wall, the concrete wall where
14 Mr. Torres was behind.

15 Q. How tall is that wall, sir?

16 A. Approximately five feet.

17 Q. And which side of the wall was Mr. Torres
18 on?

19 A. Mr. Torres was at the end of the wall,
20 looking out to the side.

21 Q. Okay. And, again, that's almost a full
22 football field by your estimation away from where
23 Mr. Zayas was taken down, correct?

24 MR. EMMA: Objection.

Thomas Leahy
February 23, 2018

47

1 THE WITNESS: My estimate was
2 three-quarters of a football field.

3 Q. (By Ms. Liddy) Okay. About three
4 quarters of a football field away. And from which
5 direction did you approach Mr. Torres?

6 A. I got back into a cruiser and drove
7 around the building.

8 Q. Okay. And Mr. Dunn and Mr. Lopez were
9 behind you at some point?

10 A. Yes.

11 Q. And when you drove around the building,
12 where was Mr. Torres when you drove around the
13 building?

14 A. When I saw Mr. Torres, he stood up and
15 ran around the building going in a clockwise fashion.
16 I got into my cruiser -- into a cruiser, car 2, and
17 drove counter clockwise around the building, meeting
18 him on the other side.

19 Q. So, when he finally stopped and you
20 finally stopped, describe the position of Mr. Torres
21 and yourself and Officers Dunn and Lopez.

22 A. When everyone finally stopped?

23 Q. Yes.

24 A. When Mr. Torres finally stopped, he was

Thomas Leahy
February 23, 2018

48

1 crouched down in a position, squatting down with his
2 hands in front of him.

3 Q. But where were you in relation to
4 Mr. Torres?

5 A. I was approximately ten yards away from
6 him.

7 Q. And were you in your cruiser?

8 A. No, I was not.

9 Q. So, you had gotten out of your cruiser at
10 that point?

11 A. Correct.

12 Q. And where was your cruiser at that point?

13 A. Behind me.

14 Q. All right. So, you got out of your
15 cruiser and you went in front of your cruiser?

16 A. Yes.

17 Q. And at that point, your gun was drawn?

18 A. Yes.

19 Q. And Mr. -- Officers Dunn and Lopez
20 arrived right behind you and parked behind you?

21 A. Yes.

22 Q. And did they also exit their cruisers?

23 A. They did exit their cruisers.

24 Q. And was it almost simultaneous or did

Thomas Leahy
February 23, 2018

55

1 A. He came straight in and tackled him.

2 Q. Did he tackle him by the legs or by the
3 neck or by the arms or the waist or do you remember?

4 A. He was squatting down. So, he kind of
5 just hit his body.

6 Q. Who was squatting down?

7 A. Mr. Torres was squatting down. So, when
8 Officer Dunn came in, he hit his body.

9 Q. So, Mr. Felix Torres was crouched, and by
10 the time Officer Dunn arrived to where he was
11 crouched, he was squatting -- he was almost prone, he
12 was crouched down, squatting down, almost like on four
13 legs?

14 MR. EMMA: Objection.

15 MR. JOYCE: Objection.

16 THE WITNESS: No.

17 Q. (By Ms. Liddy) Why don't you describe it
18 for us then?

19 A. He was squatting down in a -- how do to
20 describe it -- just squatting straight down with his
21 hands in front of him, and he stopped and stayed
22 there.

23 Q. And was your gun still drawn at that
24 point?

Thomas Leahy
February 23, 2018

56

1 A. Yes, it was.

2 Q. And although Mr. Torres did not have a
3 weapon?

4 MR. JOYCE: Objection.

5 THE WITNESS: I could not see a
6 weapon in his hands.

7 Q. (By Ms. Liddy) You did not see a weapon
8 in his hands, correct?

9 A. Correct.

10 Q. Okay. So, his hands were down on the
11 ground and --

12 MR. EMMA: Objection.

13 Q. (By Ms. Liddy) -- he was crouched,
14 correct?

15 A. No.

16 Q. Try it again then.

17 A. Okay. He was squatting down and his
18 hands were out in front of him.

19 Q. Okay. And was he trying to run away at
20 that point when he was squatting down?

21 A. I believe so.

22 MR. EMMA: Objection.

23 Q. (By Ms. Liddy) Why do you believe so?

24 A. Because it appeared he was almost in a

Thomas Leahy
February 23, 2018

57

1 sprinter's stance. So, he was looked like he was
2 getting down, but then he stopped at that squatting
3 position, and so, my belief was that once we were
4 going to approach him, he was going to start running
5 again.

6 Q. Well, did you see him raise his rump up
7 in the air like they take off in track and field?

8 MR. EMMA: Objection.

9 THE WITNESS: I did not.

10 Q. (By Ms. Liddy) Okay. And so,
11 Mr. Torres, at that point, you didn't see a weapon,
12 and what did Mr. Jabet Lopez do at this point?

13 A. At that point that Mr. Torres was taken
14 to the ground?

15 Q. Yes.

16 A. He was approaching us, I believe.

17 Q. Who was approaching?

18 A. Mr. -- Officer Lopez.

19 Q. Okay. And who put the cuffs on Felix
20 Torres?

21 A. I believe I did.

22 Q. You did. Okay. And when you put the
23 cuffs on him, were you leaning on him?

24 A. No.

Thomas Leahy
February 23, 2018

58

1 Q. This is a man, you just testified to,
2 that you believe is going to run away, and you weren't
3 leaning on him?

4 A. Correct.

5 Q. And why is that?

6 A. Because I was manipulating his hands to
7 put them behind his back.

8 Q. Well, it would be safe to say that you
9 were much bigger than Felix Torres too at that point,
10 correct?

11 A. It would be safe to say that.

12 Q. So, he was not really in any danger of
13 getting away at that point, right?

14 MR. EMMA: Objection.

15 THE WITNESS: We can't be sure about
16 that.

17 Q. (By Ms. Liddy) Well, you have one
18 officer that re-holstered his gun, right?

19 A. Correct.

20 Q. You had him -- the officer that
21 re-holstered his gun tackling Mr. Torres, he was prone
22 on the ground, and he was much smaller than you,
23 correct?

24 A. That's correct.

Thomas Leahy
February 23, 2018

69

1 Q. Can you mark on Exhibit 11 where Valley
2 Mills Road is?

3 A. How would you like me to mark it, with an
4 X or with the name?

5 Q. Put the name on it so it's very clear.

6 A. Okay.

7 Q. So, if I could, I'm going to landscape
8 this so it's going the same way for everyone, okay?
9 Exhibit 12, you have depicted Valley Mills Road.
10 Exhibit 11, which is the photograph, is Valley Mills
11 Road, and it's kind of situated the same way. Do you
12 see that?

13 A. Do you want it to be in the same
14 direction or opposite?

15 Q. No. That's fine. Just so that it's
16 facing the same way so we don't get confused.

17 A. Okay.

18 Q. Now, where were you on Valley Mills --
19 first of all, when you took down Felix Torres, where
20 on Valley Mills Road was he?

21 MR. EMMA: Which diagram?

22 Q. (By Ms. Liddy) Let's start with the
23 photograph. I think that will be a little clearer.
24 On Exhibit 11.

Thomas Leahy
February 23, 2018

88

1 the report?

2 A. It goes to the Commanding Officer of the
3 shift, and then from there, I do not know.

4 Q. Have you ever had anyone follow up with
5 you about any of those reports?

6 A. No.

7 Q. Have you ever had any training or any
8 contact regarding training due to those reports?

9 A. Training on how to do the reports?

10 Q. Training on some of the ramifications or
11 results about filing one of those reports?

12 A. During our use of force training, we're
13 instructed on how to document it and we're also
14 trained on how to provide that use of force.

15 Q. Well, I guess I didn't ask my question
16 appropriately for you. So, let me try again. After
17 you filed some of the reports you filed, did you have
18 to have any additional training --

19 A. No.

20 Q. -- regarding your job?

21 A. No.

22 Q. By the way, is it possible that you
23 struck Felix Torres anywhere?

24 A. Yes.

Thomas Leahy
February 23, 2018

89

1 Q. Do you remember where you struck him?

2 A. On his side.

3 Q. Did you strike him on his head?

4 A. No.

5 Q. Could it have been accidental that you
6 might have struck him somewhere else on his body?

7 MR. EMMA: Objection.

8 THE WITNESS: No.

9 Q. (By Ms. Liddy) Where on his side did you
10 strike him?

11 A. Towards the ribs by his arm.

12 Q. With what did you strike him?

13 A. My fist.

14 Q. Was it closed or open?

15 A. Closed.

16 Q. So, as far as you know, you struck Felix
17 Torres once?

18 A. I believe so.

19 Q. Could it have been more than once?

20 A. Once or twice.

21 Q. More than twice?

22 A. No.

23 Q. As far as you know, Officer Dunn also
24 struck Felix Torres?